

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

PRODUCTIVE MD, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 3:12-0052
	)	Judge Trauger
AETNA HEALTH, INC. and	)	
AETNA LIFE INSURANCE COMPANY, INC.,	)	
	)	
Defendants.	)	

**MEMORANDUM and ORDER**

The defendants have filed a Motion to Strike Improper Allegations From The Second Amended Complaint (Docket No. 160), to which the plaintiff has responded in opposition (Docket No. 162).

Motions to strike should be granted “sparingly”; they are a “drastic remedy to be resorted to only when required for the purposes of justice.” A motion to strike should only be granted “when the pleading to be stricken has no possible relation to the controversy.” *Brown & Williamson Tobacco Corp. v. United States*, 201 F.2d 819, 822 (6th Cir. 1953) (internal citations omitted); *Anderson v. United States*, 39 Fed. Appx. 132, 2002 WL 857742 (6th Cir. (Mich.))

The defendants’ Motion to Strike does not meet these standards and is, therefore, **DENIED**. It is hereby **ORDERED** that, by November 22, 2013, the defendants shall fully respond to the following paragraphs of the Second Amended Complaint (Docket No. 98), with the exception that the defendants may respond generally to the allegations that relate to Attachments A-1, A-2, B, C, D, E, F, I and J and need not respond to each line and entry of these Attachments to the Second Amended Complaint:


1. Paragraphs 28, 29, 30, 31, 32, 36, 37, 72, 103, 145, 146, 208 and

241;

2. Paragraphs 41, 50, 53, 72, 82, 86, 92, 103, 109, 145, 146, 174, 179, 208, 216, and 241;
3. Paragraphs 22, 23 and 155; and
4. Paragraph 104.

It is so **ORDERED**.

ENTER this 14th day of November 2013.

  
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ALET A. TRAUGER  
U.S. District Judge